

105TH CONGRESS
2D SESSION

S. 2189

To amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 1998

Mr. WYDEN (for himself and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Water Conservation
5 and Quality Incentives Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) in many parts of the United States, water
2 supplies are insufficient to meet current or expected
3 future demand during certain times of the year;

4 (2) a number of factors (including growing pop-
5 ulations, increased demands for food and fiber pro-
6 duction, and new environmental demands for water)
7 are placing increased demands on existing water
8 supply sources;

9 (3) increased water conservation, water quality
10 enhancement, and more efficient use of water sup-
11 plies could help meet increased demands on water
12 sources;

13 (4) in States that recognize rights to conserved
14 water for persons who conserve it, irrigation suppli-
15 ers, farmers, ranchers, and other users could gain
16 rights to use conserved water while also increasing
17 the quantity of water available for other beneficial
18 uses by implementing measures to reduce water loss
19 during transport to, or application on, the fields;

20 (5) reducing the quantity of water lost during
21 transport to the fields and improving water quality
22 can help areas better meet changing population and
23 economic needs; and

24 (6) the role of the Federal Government in help-
25 ing meet those changing water needs should be to

1 provide financial assistance to help irrigators, farm-
 2 ers, and ranchers implement practical, cost-effective
 3 water quality and conservation measures.

4 **SEC. 3. USE OF STATE REVOLVING LOAN FUNDS FOR**
 5 **WATER CONSERVATION IMPROVEMENTS.**

6 Section 603 of the Federal Water Pollution Control
 7 Act (33 U.S.C. 1383) is amended—

8 (1) in the first sentence of subsection (c)—

9 (A) by striking “and (3)” and inserting
 10 “(3)”; and

11 (B) by inserting before the period at the
 12 end the following: “, (4) for construction of
 13 water conservation improvements by eligible re-
 14 cipients under subsection (i)”; and

15 (2) by adding at the end the following:

16 “(i) WATER CONSERVATION IMPROVEMENTS.—

17 “(1) DEFINITION OF ELIGIBLE RECIPIENT.—In
 18 this subsection, the term ‘eligible recipient’ means a
 19 municipality, quasi-municipality, municipal corpora-
 20 tion, special district, conservancy district, irrigation
 21 district, water users’ association, tribal authority,
 22 intermunicipal, interstate, or State agency, nonprofit
 23 private organization, a member of such an associa-
 24 tion, authority, agency, or organization, or a lending

1 institution, located in a State that has enacted laws
2 that—

3 “(A) provide a water user who invests in a
4 water conservation improvement with a right to
5 use water conserved by the improvement, as al-
6 lowed by State law;

7 “(B) provide authority to reserve minimum
8 flows of streams in the State; and

9 “(C) prohibit transactions that adversely
10 affect existing water rights.

11 “(2) FINANCIAL ASSISTANCE.—A State may
12 provide financial assistance from its water pollution
13 control revolving fund to an eligible recipient to con-
14 struct a water conservation improvement, includ-
15 ing—

16 “(A) piping or lining of an irrigation canal;

17 “(B) wastewater and tailwater recovery or
18 recycling;

19 “(C) irrigation scheduling;

20 “(D) water use measurement or metering;

21 “(E) on-field irrigation efficiency improve-
22 ments; and

23 “(F) any other improvement that the State
24 determines will provide water conservation ben-
25 efits.

1 “(3) VOLUNTARY PARTICIPATION.—The partici-
 2 pation of an eligible recipient in the water conserva-
 3 tion improvement shall be voluntary.

4 “(4) USE OF CONSERVED WATER.—The quan-
 5 tity of water conserved through the water conserva-
 6 tion improvement shall be allocated in accordance
 7 with applicable State law, including any applicable
 8 State law requiring a portion of the conserved water
 9 to be used for instream flow enhancement or other
 10 conservation purposes.

11 “(5) LIMITATION ON USE FOR IRRIGATED AGRI-
 12 CULTURE.—Conserved water made available under
 13 paragraph (4) shall not be used to irrigate land that
 14 has not previously been irrigated unless the use is
 15 authorized by State law and will not diminish water
 16 quality.”.

17 **SEC. 4. USE OF STATE REVOLVING LOAN FUNDS FOR**
 18 **WATER QUALITY IMPROVEMENTS.**

19 Section 603 of the Federal Water Pollution Control
 20 Act (33 U.S.C. 1383) (as amended by section 3) is amend-
 21 ed—

22 (1) in the first sentence of subsection (c), by in-
 23 serting before the period at the end the following: “,
 24 and (5) for construction of water quality improve-

1 ments or practices by eligible recipients under sub-
 2 section (j)”; and

3 (2) by adding at the end the following:

4 “(j) WATER QUALITY IMPROVEMENTS.—

5 “(1) DEFINITION OF ELIGIBLE RECIPIENT.—In
 6 this subsection, the term ‘eligible recipient’ means a
 7 municipality, quasi-municipality, municipal corpora-
 8 tion, special district, conservancy district, irrigation
 9 district, water users’ association or member of such
 10 an association, tribal authority, intermunicipal,
 11 interstate, or State agency, nonprofit private organi-
 12 zation, or lending institution.

13 “(2) FINANCIAL ASSISTANCE.—A State may
 14 provide financial assistance from its water pollution
 15 control revolving fund to an eligible recipient to con-
 16 struct or establish water quality improvements or
 17 practices that the State determines will provide
 18 water quality benefits.

19 “(3) VOLUNTARY PARTICIPATION.—The partici-
 20 pation of an eligible recipient in the water quality
 21 improvements or practices shall be voluntary.”.

22 **SEC. 5. CONFORMING AMENDMENTS.**

23 Section 601(a) of the Federal Water Pollution Con-
 24 trol Act (33 U.S.C. 1381(a)) is amended—

1 (1) by striking “and (3)” and inserting “(3”;
2 and
3 (2) by inserting before the period at the end the
4 following: “, and (4) for construction of water con-
5 servaion and quality improvements by eligible re-
6 cipients under subsections (i) and (j) of section
7 603”.

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